

Response dated June 7, 2005
Reply to Office Action of 03/25/2005

Application No. 10/027,048

REMARKS

The Office Action of March 25, 2005 has been reviewed and the comments therein were carefully considered. Claims 1-22 are pending in this application. Claims 1-22 stand rejected. In view of the Remarks below, the Applicant believes all the claims are in condition for allowance, and respectfully requests such action.

Rejection Under 35 USC §112:

Claim 10 stands rejected under 35 USC §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More specifically, the Office Action asserts there is insufficient antecedent basis for "the protocol" as recited in the claim. The Applicant thanks the Examiner for noticing this inadvertent error. Through this Response and Amendment, the Applicant has amended claim 10 to properly depend from Claim 9, which affirmatively recites "the protocol". In view of the Applicant's amendment, the Applicant respectfully requests withdrawal of the rejection.

Rejection Under 35 USC §102:

Claims 1-9, 11-18 and 19-22 are rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 5,951,651 to Lakshman, et al. ("Lakshman")

The Office Action asserts Lakshman discloses a device for filtering data wherein the data is formatted in a packet having discrete segments. More specifically, the Examiner asserts Col. 4, lines 54-55 and Col. 5, lines 7-16 of Lakshman teach the step of selecting at least two of a plurality of fixed length filters to filter the at least two clusters. Neither the cited text nor the remainder of the specification discloses the use of filters of a fixed length. Indeed, the filters are merely defined as ranges that have starting (si) and ending (ei) points. (Col. 3, lines 46-48) and as shown in Fig. 3 of Lakshman, the filters (f1, f2,...) have different lengths.

The Office Action also asserts Col. 4, lines 30-33 of the reference discloses a plurality of filters having a common length; however, the disclosed 'common length' referred to in the Office Action is discussed in regards to bit vectors (see 75a, 75b), not to the filters. If in a bit vector, a bit location has a value of '1', then the corresponding filter is taken into use. Moreover, the length of the filters taught in Lakshman cannot be said to be 2 bytes as the vector 75b is said to hold in its each bit location a '0' or a '1' according to the specification (col 4, lines 33-37) and in any regard, does not meet the other limitations of base claim.

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Lakshman also does not disclose a plurality of fixed length filters having an offset value corresponding to one of the discrete segments of the packet. Indeed, the specification cited by the Examiner discusses bit locations on a bit vector, not the filters.

In regards to Claims 6 and 17, the Examiner asserts Col. 2, lines 23-34 of Lakshman discloses "at least two clusters of data is formatted in accordance with a first protocol and a second one of the at least two clusters of data is formatted in accordance with a second protocol different than the first protocol". Both claims require at least two clusters formatted in accordance with different protocols. This is described, for example, in paragraph 20 of our application. Indeed, the cited text of Lakshman sets forth "[t]he instant invention is a hardware implemented filter that designates one of a plurality of filter rules resident in a router or packet forwarding engine that routes packets, e.g., IP packets, over a network, such as, e.g., the Internet". (Col. 2, lines 23-24). The cited text or the remainder of the Lakshman specification does not disclose the use of at least two clusters of data formatted in accordance with two or more different protocols, therefore the Applicant respectfully requests reconsideration and withdrawal of the rejection.

Lastly, the rules of the present invention may be used for any portion of the packet, whereas Lakshman discloses rules created for each dimension (parameter in the header). In Lakshman, the bitmap vectors for each dimension are combined, whereas claimed embodiments of the present invention directly combine the filters.

In view of the Remarks above, the Applicant respectfully requests withdrawal of the rejection.

Double Patenting Rejection

Claims 1-22 are rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 4-6, 8-10 and 12 of U.S. Patent No. 6,728,241.

The applicant is filing a terminal disclaimer along with this response to overcome the obviousness-type double patenting rejection.

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CONCLUSION

Applicants respectfully submit that the instant application is in condition for allowance. A notice to this effect is respectfully requested. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

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